

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MARTIN E. BURKE,)
Plaintiff,)
v.) No. 05-4213-CV-C-SOW
DR. ALICIA THOMPSON, et al.,)
Defendants.)

ORDER

On December 19, 2005, the United States Magistrate Judge recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record¹, including the exceptions filed by plaintiff on December 30, 2005. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that defendants' motion to dismiss is granted and plaintiff's claims are dismissed on abstention grounds [58]. It is further

ORDERED that all other pending motions are denied, without prejudice [10, 14, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 38, 49, 50, 52, 53, 54, 55, 56, 57].

/s/Scott O. Wright
SCOTT O. WRIGHT
Senior United States District Judge

Dated: 1-23-06

¹Court proceedings, if any, are recorded by electronic recording equipment and the tapes are available for review by the court and counsel.